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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,521	12/15/2000	Brent D. Peterson	DAKTRONICS	2866
7590 03/28/2006			EXAMINER	
Hugh D. Jaeger Suite 302 1000 Superior Blvd. Wayzata, MN 55391-1873			MAYES, MELVIN C	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,521

Applicant(s)

PETERSON, BRENT D.

Examiner

Melvin Curtis Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

(1)

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

(2)

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no description of permanent attachment to a scoreboard.

Claim Rejections - 35 USC § 103

(3)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(4)

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tice 2,257,518 in view of Coopridner et al. 5,972,155.

Tice discloses a method comprising: providing a scoreboard 11; and placing advertising matter 41 on the scoreboard Col. 4, lines 31-36). Tice does not disclose

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providing the advertising matter by printing a film using a digital printer and computer and applying the film to the scoreboard.

Cooprider et al. teach that an improved method for mounting advertising signage upon transparent and opaque vertical surfaces which does not interfere with the printing process, allows the signage to be repositionable, does not mark the surface upon which the signage is mounted, does not leave any residue and allows the signage to be mounted on a variety of surfaces comprising providing signage including an imprintable sheet, repositionable adhesive strips on the sheet and release liners covering the adhesive strip. The signage can be printed with a computer printer to product high quality printing quickly and inexpensively, and after printing, the release liners are removed to expose the adhesive strips for adhering to the mounting surface (col. 1-7).

It would have been obvious to one of ordinary skill in the art to have modified the method of Tice by providing and placing the advertising matter (the desired elements) on the scoreboard by printing and applying an advertising signage sheet having repositionable adhesive and release liners, as taught by Cooprider, to apply to the vertical surface advertising signage which is repositionable, does not mark the surface upon which the signage is mounted and does not leave any residue. Providing the advertising matter as a printed signage sheet to be adhered to the scoreboard by repositionable adhesive would have been obvious to one of ordinary skill in the art to provide the scoreboard with advertising matter which is removable, does not mark the surface of the scoreboard and does not leave any residue when removed, as taught by Cooprider et al.

The use of a computer printer to print the advertising signage would have been obvious to one of ordinary skill in the art, as taught by Cooprider, to high quality print the

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signage quickly and inexpensively. By the use of a computer printer as taught by Cooprider, graphics are selected, formatted and input into a computer and the signage sheet printed with a digital printer, as claimed.

(5)

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers 2,065,624 in view of Cooprider et al. 5,972,155.

Summers discloses a method comprising: providing a scoreboard 10 providing with a rectangular space 13 reserved for advertising space in which advertising matter may be inserted (col. 1, lines 30-42). Summers does not disclose providing the advertising matter by printing a film using a digital printer and computer and applying the film to the scoreboard.

Cooprider et al. teach that an improved method for mounting advertising signage upon transparent and opaque vertical surfaces which does not interfere with the printing process, allows the signage to be repositionable, does not mark the surface upon which the signage is mounted, does not leave any residue and allows the signage to be mounted on a variety of surfaces comprising providing signage including an imprintable sheet, repositionable adhesive strips on the sheet and release liners covering the adhesive strip. The signage can be printed with a computer printer to product high quality printing quickly and inexpensively (col. 1-7).

It would have been obvious to one of ordinary skill in the art to have modified the method Summers by providing and placing the advertising matter (the desired elements) on the scoreboard by printing and applying an advertising signage sheet having repositionable adhesive and release liners, as taught by Cooprider, to apply to the vertical

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surface advertising signage which is repositionable, does not mark the surface upon which the signage is mounted and does not leave any residue. Providing the advertising matter as a printed signage sheet to be adhered to the scoreboard by repositionable adhesive would have been obvious to one of ordinary skill in the art to provide the scoreboard with advertising matter which is removable, does not mark the surface of the scoreboard and does not leave any residue when removed, as taught by Coopridner et al.

The use of a computer printer to print the advertising signage would have been obvious to one of ordinary skill in the art, as taught by Coopridner, to high quality print the signage quickly and inexpensively. By the use of a computer printer, as taught by Coopridner, graphics are selected, formatted and input into a computer and the signage sheet printed with a digital printer, as claimed.

(6)

Claims 2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3-27990 Abstract in view of Uzik 5,895,836 and JP 8-335051.

JP 3-27990 Abstract disclose a method comprising: printing an image such as picture, photograph or character on a writing board for advertising using various recording means; and using the writing board for a score board. JP '990 Abstract does not disclose printing the advertising on the writing board by using a computer and digital printer.

Uzik teaches that digital printing is used to print advertising (col. 1).

JP 8-335051 (JP '051) teaches that advertisement is printed on a display medium by inputting an original image to a computer by an image scanner, processing the image and adding characters, then printing.

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It would have been obvious to one of ordinary skill in the art to have modified the method of JP 990 Abstract for printing an advertising writing board for a scoreboard by printing the advertising using digital printing, as taught by Uzik as used to print advertising. Digital printing the advertising image on the writing board by inputting an original image in a computer by scanning then processing the image for printing would have been obvious to one of ordinary skill in the art, as taught by JP '051, as the process used to provide printed advertisement on a display medium.

Response to Arguments

(7)

Applicant's arguments filed December 30, 2005 have been fully considered but they are not persuasive.

Applicant argues that Coopridier et al. provides a repositionable sheet for temporary signage while the present invention is directed to a method of manufacturing a scoreboard with custom graphics.

(8)

It is not required by the process as claimed that the film applied to the scoreboard not be removable or repositionable, nor is it required that the printed film be applied to cover the entire face of the scoreboard.

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Conclusion

(9)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(10)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

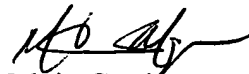
(11)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
March 20, 2006